



March 20, 2000

Mr. Duncan R. Fox  
Assistant Chief  
Department of Public Safety  
P.O. Box 4087  
Austin, Texas 78773-0001

OR2000-1083

Dear Mr. Fox:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 133567.

The Texas Department of Public Safety (the "department") received a request for a daily electronic copy of the Texas Stolen Vehicle Database, "including plate, state, VIN, description, make, mode, color, style, year, date reported, and responsible agency." The requestor specifically stated that the information requested does not include the owner's name or anything related to the owner's identity. You claim that the requested information is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

First we would note that while chapter 552 does not prohibit a governmental body from voluntarily complying with a standing request for information, neither does chapter 552 require a governmental body to comply with a standing request for information to be collected or prepared in the future. *See* Attorney General Opinion JM-48(1983). Additionally, chapter 552 does not require a governmental body to disclose information that did not exist at the time the request was received. *Economic Opportunities Dev. Corp. v. Bustamante*, 562 S.W.2d 266 (Tex. Civ. App.—San Antonio 1978, writ dismissed); Open Records Decision No. 452 at 3 (1986). As the request seeks information which has yet to be created, the department need not comply with this portion of the request.

Next we address the portions of the requested data that is excepted under section 552.130 of the Government Code. Section 552.130(a)(2) excepts from disclosure information relating to a motor vehicle title or registration issued by an agency of this state. Therefore, the department is required to withhold the license plate numbers and VIN numbers pursuant to section 552.130(a)(2) of the Government Code.

Finally you contend that the release of the requested information is excepted from disclosure pursuant to section 552.108(a)(1). Section 552.108(a)(1) of the Government Code states that information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from required public disclosure “if release of the information would interfere with the detection, investigation, or prosecution of crime.” Gov’t Code § 552.108(a)(1). However, section 552.108(c) does not except information from public disclosure that is basic information about an arrested person, an arrest, or a crime. Basic information is considered to be front page offense report information, such as the vehicle or property involved. *See Houston Chronicle Publ’g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref’d n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976); Open Records Decision No. 127 (1976). Except for the information noted above, the remainder of the information is considered basic information about a crime; therefore, section 552.108(c) would be applicable. Therefore, the department must release the remainder of the information pursuant to § 552.108(c) of the Government Code.

This letter ruling is limited to the particular records at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other records or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For example, governmental bodies are prohibited from asking the attorney general to reconsider this ruling. Gov’t Code § 552.301(f). If the governmental body wants to challenge this ruling, the governmental body must appeal by filing suit in Travis County within 30 calendar days. *Id.* § 552.324(b). In order to get the full benefit of such an appeal, the governmental body must file suit within 10 calendar days. *Id.* § 552.353(b)(3), (c). If the governmental body does not appeal this ruling and the governmental body does not comply with it, then both the requestor and the attorney general have the right to file suit against the governmental body to enforce this ruling. *Id.* § 552.321(a).

If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the statute, the attorney general expects that, within 10 calendar days of this ruling, the governmental body will do one of the following three things: 1) release the public records; 2) notify the requestor of the exact day, time, and place that copies of the records will be provided or that the records can be inspected; or 3) notify the requestor of the governmental body’s intent to challenge this letter ruling in court. If the governmental body fails to do one of these three things within 10 calendar days of this ruling, then the requestor should report that failure to the attorney general’s Open Government Hotline, toll free, at 877/673-6839. The requestor may also file a complaint with the district or county attorney. *Id.* § 552.3215(e).

If this ruling requires or permits the governmental body to withhold all or some of the requested information, the requestor can appeal that decision by suing the governmental body. *Id.* § 552.321(a); *Texas Department of Public Safety v. Gilbreath*, 842 S.W.2d 408, 411 (Tex. App.–Austin 1992, no writ).

If the governmental body, the requestor, or any other person has questions or comments about this ruling, they may contact our office. Although there is no statutory deadline for contacting us, the attorney general prefers to receive any comments within 10 calendar days of the date of this ruling.

Sincerely,

A handwritten signature in black ink, appearing to read "Noelle C. Letteri", is written over a horizontal line.

Noelle C. Letteri  
Assistant Attorney General  
Open Records Division

ncl/nc

Ref: ID# 133567

Encl. Submitted documents

cc: Mr. Russell Fish  
5426 Meadowcreek #2095  
Dallas, Texas 75248  
(w/o enclosures)